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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,851	12/11/2003	Mark Rosenzweig	EURO-251 (86084.014200)	9009
7590 10/04/2006			EXAMINER GREENE, JASON M	
Michael I. Wolfson Greenberg Traurig, LLP 200 Park Avenue New York, NY 10166			ART UNIT 1724	

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/733,851

Applicant(s)

ROSENZWEIG, MARK

Examiner

Jason M. Greene

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-30 is/are rejected.
- 7) ☒ Claim(s) 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 25 September 2006 has been entered.

### ***Response to Amendment***

### ***Response to Arguments***

2. Applicant's arguments, see page 5, line 6 to page 27, filed 25 September 2006, with respect to the 35 USC 102 rejections based on Martin and DE 36 43 378 A1 have been fully considered and are persuasive.

3. Applicant's arguments filed 25 September 2006 with regard to the Kurz reference have been fully considered but they are not persuasive. As detailed below, the Kurz reference, together with the Chrisco reference, teach the claimed invention.

***Claim Objections***

4. Claim 25 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 25 recites the filter monitor of claim 24 further comprising a latching relay. However, claim 22, from which claim 25 indirectly depends, already recites the filter monitor having such a latching relay.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 29 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 29 and 30 recite the limitation "the light" in line 1. There is insufficient antecedent basis for this limitation in the claim. It appears as though claims 29 and 30

were intended to depend from claim 28, and such has been assumed for the purposes of examination

***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 18-21, 26 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurz (US 4,233,597) in view of Chrisco (US 5,351,035).

With regard to claims 18 and 19, Kurz discloses a filter monitor for sensing the condition of a filter in a vacuum cleaner (appliance 24) connected to a power source (the 220V source connected to terminals 29a and 29b) the vacuum cleaner having a flow chamber including the filter and a flow inducing device (a motor and a fan) selectively driven by the power source, comprising an electrical circuit (see Fig. 2) including a pressure actuated switch (S), and an indicator light (lamp 22) visible to the user connected to the circuit, wherein the pressure actuated switch is closed to complete the circuitry between the indicator and electrical power source in response to the pressure in the flow chamber falling below a predetermined minimum pressure threshold (i.e. the vacuum pressure (negative pressure) increasing above a threshold)

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indicating that the filter requires cleaning or replacement in Figs. 1-3 and col. 3, line 1 to col. 5, line 20.

Kurz discloses the filter monitor being disposed in a vacuum cleaner and the pressure actuated switch being disposed adjacent the vacuum pressure source (the flow inducing device, see col. 3, lines 29-31). While its is very well known that it is customary to design vacuum cleaners such that the filter is upstream from the flow inducing device, Kurz is silent as to the specific construction of the vacuum cleaner and thus does not explicitly disclose the vacuum cleaner having a flow chamber between the filter and the flow inducing device.

Chrisco teaches a similar filter monitor (10) wherein the flow-inducing device (blower 12) is disposed downstream from the filter (14) such that there exists flow chamber (duct) between the filter and the flow inducing device in Figs. 1 and 2 and col. 2, line 43 to col. 4, line 3.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the upstream filter arrangement of Chrisco into the vacuum cleaner of Kurz to allow the filter to collect dust prior to the air reaching the motor to increase the life expectancy of the motor, as is well known in the art.

With regard to claim 20, Kurz disclose the circuit including a resistor (R1) to reduce voltage across the circuit to a level compatible with the indicator in Fig. 2 and col. 4, lines 16-22.

With regard to claim 21, Kurz does not disclose the indicator being an audible indicator. Chrisco discloses a using an audible indicator in col. 4, lines 34-38.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the audible alarm of Chrisco into the filter monitor of Kurz to allow an operator to be alerted of the clogged filter condition even if they are not looking at the vacuum cleaner, as is well known in the art.

With regard to claims 26, 28 and 29, Kurz discloses a vacuum cleaner (appliance 24) having a serviceable filter and a monitor for sensing the condition of the filter, comprising a housing (24) for mounting a motor, a nozzle housing (inherent) for receiving an intake device, a filter, an indicator light (incandescent bulb 22) for indicating a need to service the filter, and circuitry (see Fig. 2) connecting the indicator light to a power source including a pressure actuated switch (S) that completes a circuit between the power source and the indicator when the pressure in the flow chamber falls below a predetermined minimum pressure threshold (i.e. the vacuum pressure (negative pressure) increasing above a threshold) thereby indicating a filter condition suggesting cleaning or replacement in Figs. 1-3 and col. 3, line 1 to col. 5, line 20.

Kurz discloses the pressure actuated switch being disposed adjacent the vacuum pressure source (the flow inducing device, see col. 3, lines 29-31). While its is very well known that it is customary to design vacuum cleaners such that the filter is upstream from the flow inducing device, Kurz is silent as to the specific construction of the

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vacuum cleaner and thus does not explicitly disclose the vacuum cleaner having a flow chamber between the filter and the flow inducing device.

Chrisco teaches a similar filter monitor (10) wherein the flow-inducing device (blower 12) is disposed downstream from the filter (14) such that there exists flow chamber (duct) between the filter and the flow inducing device in Figs. 1 and 2 and col. 2, line 43 to col. 4, line 3.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the upstream filter arrangement of Chrisco into the vacuum cleaner of Kurz to allow the filter to collect dust prior to the air reaching the motor to increase the life expectancy of the motor, as is well known in the art.

With regard to claim 30, Kurz does not disclose the indicator being an LED. Chrisco discloses a using LED indicator in col. 4, lines 34-38.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the LED of Chrisco into the filter monitor of Kurz to provide a light having a long life and a low energy requirement, as is well known in the art.

9. Claims 22-25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurz (US 4,233,597) and Chrisco (US 5,351,035), and further in view of Martin (US 4,733,431).



Kurz et al. does not disclose the circuit including latching means, said latching means latching the indicator in an indicating condition when said indicator is connected to said power source by the pressure actuated switch after a pressure indicating a need to clean or replace the filter has been detected.

Martin discloses the circuit including a latching relay (160), said latching relay latching the indicator (46) in an indicating condition when said indicator is connected to said power source by the pressure actuated switch after a pressure indicating a need to clean or replace the filter has been detected in Fig. 6 and col. 10, line 52 to col. 11, line 10.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the latching relay of Martin into the circuit of Kurz to provide a steady burning indicator light once the pressure threshold is exceeded to ensure that the operator does not fail to observe a intermittently activated indicator light and to increase the life expectancy of the indicator light by preventing the light from experiencing multiple on-off sequences which can lead to premature failure due to thermal stress, as is well known in the art.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Greene whose telephone number is (571)


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272-1157. The examiner can normally be reached on Monday - Friday (9:00 AM to 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason M. Greene  
Primary Examiner  
Art Unit 1724

  
10/1/06

jmg  
October 1, 2006